

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In re: Bair Hugger Forced Air Warming
Devices Products Liability Litigation

MDL No. 15-2666 (JNE/DTS)

This Document Relates to:
ALL CASES

**DECLARATION OF BENJAMIN
W. HULSE IN SUPPORT OF
DEFENDANTS' MOTION FOR
RECONSIDERATION OF THE
COURT'S DECEMBER 13, 2017
ORDER ON GENERAL
CAUSATION**

Benjamin W. Hulse, being first duly sworn, deposes and declares:

I am an attorney at the law firm of Blackwell Burke P.A., and one of the attorneys representing 3M Company and Arizant Healthcare Inc. (together, "Defendants") in this litigation. I submit this declaration in support of Defendants' Motion For Reconsideration of the Court's December 13, 2017 Order on General Causation. Unless otherwise stated, the facts set forth herein are based upon my personal knowledge, information, and belief.

1. Attached as Defendants' Exhibit DX1 is a true and correct copy of McGovern, P., et al., "Forced-air warming and ultra-clean ventilation do not mix." 93 *The Journal of Bone & Joint Surgery* 1537 (2011).

2. Attached as Defendants' Exhibit DX2 is a true and correct copy of an excerpt from the published report of the 2018 International Consensus Meeting on Musculoskeletal Infection (ICM), available online at <https://icmphilly.com/document/icm-2018-general-document/> (November 12, 2018).

3. Attached as Defendants' Exhibit DX3 is a true and correct copy of plaintiffs' expert Said Elghobashi General Causation Expert Report.

4. Attached as Defendants' Exhibit DX4 is a true and correct copy of Memarzadeh, "Active warming systems to maintain perioperative normothermia in hip replacement surgery." *J. Hosp. Infection* 75.4 (2010).

5. Attached as Defendants' Exhibit DX5 is a true and correct copy of Belani K., et al., "Patient Warming Excess Heat: The Effects on Orthopedic Operating Room Ventilation Performance." 117 *Anesthesia & Analgesia* 406 (2013).

6. Attached as Defendants' Exhibit DX6 is a true and correct copy of Legg A., et al., "Do forced-air patient-warming devices disrupt unidirectional downward airflow?" 94 *J. Bone & Surgery* 254 (2012).

7. Attached as Defendants' Exhibit DX7 is a true and correct copy of Legg A., et al., "Forced air patient warming blankets disrupt unidirectional airflow." 95 *Bone & Joint J.* 407 (2013).

8. Attached as Defendants' Exhibit DX8 is a true and correct copy of Dasari, K., et al., "Effect of forced air warming on the performance of operating theatre laminar flow ventilation." 67 *Anaesthesia* 244 (2012).

9. Attached as Defendants' Exhibit DX9 is a true and correct copy of excerpts from the deposition of Plaintiffs' expert Jonathan M. Samet.

10. Attached as Defendants' Exhibit DX10 is a true and correct copy of Jeans, E., et al., "Methicillin sensitive staphylococcus aureus screening and decolonization in elective hip and knee arthroplasty." *J. of Infection* (2018).

11. Attached as Defendants' Exhibit DX11 is a true and correct copy of Dr. Jonathan Borak's *Axline* Expert Report.

12. Attached as Defendants' Exhibit DX12 is a true and correct copy of Jensen, C., et al., "Return to theatre following total hip and knee replacement, before and after the introduction of rivaroxaban." 93 *J. Bone & Joint Surgery* 1 (2011).

13. Attached as Defendants' Exhibit DX13 is a true and correct copy of excerpts from the *Gareis v. 3M Co., et al.* trial transcripts (Vols. I, II, III, IV, V, IX and XI).

14. Attached as Defendants' Exhibit DX14 is a true and correct copy of excerpts from the April 12, 2018 hearing on Defendants' *Daubert* motions in *Gareis*.

15. Attached as Defendants' Exhibit DX15 is a true and correct copy of excerpts from the October 25, 2017 hearing on the parties' general causation *Daubert* motions.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Minneapolis, Minnesota, this 24th day of January, 2019.

s/Benjamin W. Hulse
Benjamin W. Hulse